

4

Information Bulletin



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Redevelopment

What constitutes redevelopment? Is the term limited to the replacement of existing structures or impervious surfaces at the same site, or does it extend to an entire parcel if part of the parcel has been previously developed? May a proposed development be classified as a redevelopment if structures in one corner of the parcel are razed and new structures are erected at an opposite corner?

Regulatory requirements:

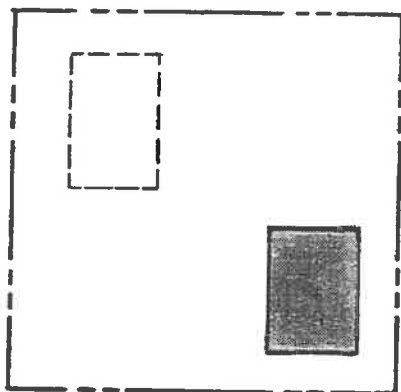
- Section 1.4 of the Regulations (Definitions) defines redevelopment as "the process of developing land that is or has been previously developed."
- Section 1.4 of the Regulations (Definitions) defines development as "the construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures."
- Section 4.3.A of the Regulations states "[l]and development may be allowed [in RPAs] only if it (i) is water dependent or, (ii) constitutes redevelopment."
- Section 4.3.A.2 states "[r]edevelopment shall conform to applicable stormwater management and erosion and sediment control criteria in this part."
- Section 4.3.B.3 states "[r]edevelopment within Intensely Developed Areas may be exempt from the requirements of this subsection. However, while the immediate establishment of the buffer area may be impracticable, local governments shall give consideration to implementing measures that would establish the buffer in those areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation."
- Section 4.5.A of the Regulations states:
 - "1. Local governments may permit the continued use, but not necessarily the expansion, of any structure in existence on the date of local program adoption. Local governments may establish an administrative review procedure to waive or modify the criteria of this part for structures on legal nonconforming lots or parcels provided that:
 - a. There will be no net increase in nonpoint source pollutant load;
 - b. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirements of this part.



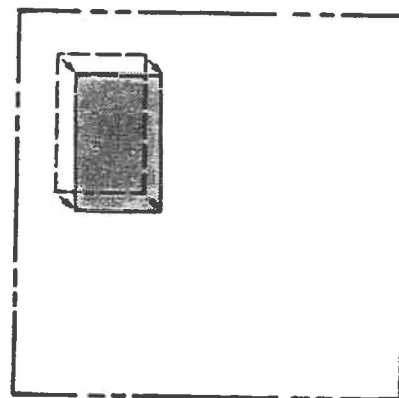
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Based on these factors, the Department proposes the following as guidance:

- a. A proposed development of land constitutes redevelopment only when there is observable, physical (not archeological) evidence of previous construction. The existence of impervious surface (asphalt, concrete, foundations, or other buildings or structures) generally means that the site has been previously developed.
- b. Local governments should clarify conditions for redevelopment in their ordinances or as policy.
- c. Redevelopment must conform to all other local requirements, including zoning and subdivision regulations. Local use restrictions imposed by the zoning district are not superseded by classification as redevelopment.
- d. Although redevelopment is permitted in Resource Protection Areas, it must comply with all applicable performance criteria.
- e. A redevelopment classification is established when the proposed redevelopment will replace existing structures or impervious surfaces. The proposed redevelopment must be shown to be in the same location as the previous development and have a similar (equal or lesser) area of impervious surface. In no case should redevelopment encroach further into the RPA.
- f. Any redevelopment or portion of redevelopment which would increase impervious surface in the RPA should be treated as new development and must conform with all performance criteria for new development.



NOT ACCEPTABLE
The redevelopment is not
in the same general location
as the existing development.



ACCEPTABLE
The redevelopment is in the
same general location as the
existing development.

Figure 3